

# MONO COUNTY PLANNING COMMISSION

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## MINUTES

May 12, 2016  
(Adopted June 9, 2016)

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**COMMISSIONERS:** Scott Bush, Chris I. Lizza, Mary Pipersky, Dan Roberts. Carol Ann Mitchell resigned due to **potential** conflict of interest.

**STAFF:** Scott Burns, director; Gerry Le Francois, principal planner; Courtney Weiche, associate planner; Stacey Simon, county counsel; Brent Calloway, analyst; Nick Criss, compliance officer; Garrett Higerd, Walt Lehmann & Paul Roten, public works; Louis Molina, Environmental Health; CD Ritter, commission secretary

**GUESTS:** Tony Dublino, Use Permit applicant; Bob Stark, final map applicant; Stephen Kappos, attorney for Stark; Greg Newbry (via video); Brent Calloway, Inyo/Mono agriculture commission; **Supervisor Fred Stump (via video)**

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**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Chris Lizza called the meeting to order at 10:05 a.m. at the county courthouse in Bridgeport, CA, and attendees recited the pledge of allegiance to the flag.

**2. PUBLIC COMMENT:** Greg Newbry (videoconference) represented Measure G for MUSD, which cannot campaign. \$59/yr parcel tax to fund district. Last four times had special election, where most voters favored. Must pass by 66%. Attended meetings in ML. From biz perspective, first choice is not unparalleled amenities, first choice is schools is where chose to move. If afford half mil house, in top 70% who live wherever want. With Digital 395, need to invest in schools to attract those who demand good schools. Small class size, art classes, etc. desired. In years past Rusty Gregory donated, but not enough to fund activities for parcel tax. Tax deductible donations sought. . .

### 3. MEETING MINUTES

**MOTION:** Adopt minutes of March 10, 2016 (no April meeting) as amended: Lizza passed gavel to Roberts **due to illness**. (Bush/Pipersky. Ayes: 4. Absent: Mitchell.)

### 4. CONSENT AGENDA

#### A. FINAL APPROVAL FOR TRACT MAP 37-46/White Mountain Estates Project

Approval of Tract Map 37-46 will subdivide a total of 76.81 acres (APNs 26-240-09 & -10) into 45 single-family residential lots, two utility lots (0.07 & 0.78 acres) for water and propane tanks, three lots for open-space uses (1.46 acres, 3.81 acres, and 9.08 acres), and a remainder parcel of 19.23 acres. General Plan Amendment 06-01 on March 9, 2006, redesignated the project site as Specific Plan (SP). The White Mountain Estates Specific Plan and Tentative Tract Map 37-46 were approved by the Planning Commission at a public hearing conducted on Sept. 20, 2007. The site is about 10 miles north of Bishop on the east side of US Highway 6, at White Mountain Estates Road, adjacent to the existing White Mountain Estates subdivision. *Staff: Garrett Higerd & Paul Roten*

Garrett Higerd described White Mountain Estates Phase II as one of larger projects before Planning Commission that started 12 years ago. Higerd provided a summary of map amendments and conditions that substantially comply. The Specific Plan was amended twice by 2012, and changes resulted: elimination of improvements or in-lieu fees for the Chalfant community park; elimination of mitigation fees for project impacts to emergency medical facilities, school facilities, and law enforcement services in Chalfant; and elimination of traffic calming measures. The developer has obtained a bus shelter that will be installed prior to acceptance of the Final Map. Developer relocated the cattle guard and contributed in-lieu fees to satisfy

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DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Carol Ann Mitchell

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

the grind-and-overlay condition as part of the County's White Mountain Estates Road rehabilitation project in 2012. The developer worked with Caltrans to install a right-turn lane at the intersection of US 6 and White Mountain Estates Road. A zone of benefit will be established for snow removal and road maintenance and repair. An HOA will maintain the bus shelter, mailbox clusters, and drainage. The original map conditions were based on creating an expanded Phase I water system (White Mountain Mutual Water Co.) to serve the new development. This was ultimately not feasible, so a separate water system is being created for Phase II (Coldwater Canyon Mutual Water Co.). Conditions related to the water system creation are in the California Department of Real Estate (DRE) process and Environmental Health is satisfied.

Two sets of CC&Rs/HOA? *Just one, for this project.* How did it get funded before lots sold? Attorney Steve Kappos stated developer started funding HOA for lots unsold.

Turn lane into project? Acceleration lane for northbound? *Higerd stated most trips are southbound. Caltrans looked at impact of additional trips to Bishop and didn't think it was necessary.*

Developer Bob Stark noted water system is in process. Hired engineer from Salinas for specifications on all parts, built as required. Presented budget. State scrutinized. Provided funding by fee on vacant lots (\$25/mo/lot). Started in 2004, EIR and wells by 2008. Recession hit, so built as could without borrowing. \$6,000/mo interest only. State added five years to standard construction time due to economics.

***MOTION:*** Authorize Chair's signature on Tract Map 37-46, and recommend that the Board of Supervisors approve the final map. (*Roberts/Pipersky. Ayes: 5- 4-0. Absent: Mitchell.*)

Supervisor Fred Stump (via video): Mono Supervisors considered modification of access for Rock Creek Ranch at Paradise. Approval on layout of project was granted by Cal Fire. These are similar projects. Paradise reconfigured per Cal Fire regulations. In General Plan, Cal Fire is relied upon. Needs to be addressed before going to BOS.

Higerd cited a will-serve letter from Chalfant FPD/CSD. Le Francois met on site with Cal Fire's Martinez in 2007, surveyed tract. A comment letter may be in EIR review.

Simon noted distinctions between Paradise and White Mountain Estates. Today's decision is ministerial. Developer has vested right to move forward as approved in 2007. Paradise had amendments to tentative map, different issues.

Stump cited consideration of fairness, equitable treatment of developers within county. If Simon sees it as accurate, good with that. When map comes to BOS, see something referencing Cal Fire visit.

Bush noted contracts were signed at different times; what happens at the time, stays. Timing is another dimension.

## **5. PUBLIC HEARING**

**A. CONDITIONAL USE PERMIT/Dublino.** The proposal at 136 Main St. in Bridgeport would: remodel the former gas station (APN 008-102-007) for transient lodging (up to 10 beds); allow retail in the former cashier's space of gas station; reuse garage/shop area as workshop/art studio; and add future mobile food cart with outdoor seating and retail displays. The rear parcel (APN 008-102-011) would be used for vehicle and RV storage. One gas station sign would be revised with new copy, and one smaller sign frame would be removed. Each parcel has land use designation of Commercial. A CEQA exemption is proposed. *Staff: Gerry Le Francois*

Commissioner Lizza recused himself due to **knowing close relationship with** applicant, passed gavel to Vice-Chair Roberts. Applicant has option to continue with only three commissioners. Dublino would rather go forward than not.

Le Francois reviewed site. Texaco station has not operated for decades. Project will have development phases. Problem areas are signs and parking spaces. Will-serve letters from FPD and PUD, removal of old tanks.

Full dormitory style? *Yes, hostel.*

Pipersky: Parking 13 down to 11. Le Francois: No parking standard for hostel. Pipersky: RV storage parking, could handle overflow.

**OPEN PUBLIC HEARING:** Applicant Dublino bought in 2014, economic considerations. If needed Use Permit, throw everything possible on property for highest/best use. Ideas don't happen overnight. Up to 10 beds: Building code allows that for transient purpose in residential structure to maximize entitlement. Right

now, only one bathroom. Maybe get six beds. Two bedrooms, two sets bunk beds. Unsure of hostel, as insurance is problematic. Maybe VRBO or renting to tenant.

If family came, mix with strangers? *Hostel users are accustomed to that.*

**Parking:** Dublino stated one parking space per bed = 10. Included eight, four paved, four impervious. Maybe overkill, but General Plan requires. Requested Commission reduce parking requirement.

Le Francois indicated director can reduce when parking plan is within business district. Dublino would also have parallel parking along street.

Two main rooms? *Yes.*

No lounge, kitchen? *Hallway as sitting area.*

Dublino requested reduction of 13 spaces. Make sure gravel is considered impervious parking surface. Unclear about parking when food cart operates. Le Francois suggested returning to Commission when things are added.

**Signs:** Dublino thought he could change copy, remove one sign. Curve downward on Texaco sign. Establish square footage permitted. Will-serve letters were provided.

How conform to Ch. 7? Le Francois confirmed one freestanding allowed. General Plan regulates height, square footage. More artistic approach, 1940-50 look.

Burns: Set limit on location, height, have final design approved by CDD staff. Ch. 7 says DR, but now UP. Final sign approval by CDD, not return to PC.]

Parking based on eight spaces? Le Francois cited provision in General Plan to modify parking. Transit stop in Bridgeport is the only option. No true standard on beds vs. rooms.

Bush thought single people with cars was not realistic. Eight on this property would be more than needed.

Pipersky believed eight would be fine. If need more, park in back.

Bush thought Dublino would not have people come in for week, shorter term parking. Not envision one car for every bed.

Pipersky asked about any other requirements on room sizes, bathrooms/person to consider.

Bush saw an obligation to renters if unknowns interact. Public safety obligation of owner. Simon stated that's why an issue exists with insurance. It's outside scope of Planning Commission.

Le Francois revised project conditions, as shown in Motion below. **CLOSE PUBLIC HEARING.**

**MOTION:** Find that the project qualifies as a Categorical Exemption under DEQA guideline 15303 and file a notice of exemption; make required findings as amended (#3: Drop parking to eight for room standard, food cart parking one space/three seats + one employee; #5: One freestanding sign is allowed and shall be limited to 39 sq. ft. The sign shall be placed as shown in the site plan, with final design subject to approval by CDD.); and approve Use Permit 16-002 subject to Conditions of Approval. (*Bush/Pipersky. Ayes: 3-0. Recused: Lizza.*)

--- Lizza reclaimed gavel at 11:27 a.m. ---

## 6. WORKSHOPS

### A. Transient Rental Overlay Districts (TRODs). *Staff: Courtney Weiche & Nick Criss*

Items need renumbering. TRODs are popping up everywhere, so think beyond what currently exists.

Intent: Recognize demand for diverse lodging options for visitors and allow transient rentals to be with residential areas that exhibit neighbor support for allowing transient rentals than can demonstrate adequate year-round access.

New section: owner-occupied vs. non-owner-occupied. Owner: On site during rental. Non-owner: Renting out entire house. Neighbor notice within 500 feet. Noticing extended from 10 to 20 days. Can expand notice if desirable.

Looking at single-parcel applications, not districts. What if four in row, under one app?

**Summary:** Focused on Ch. 25, establishment of TROD, not so much on enforcement; intent; clarify owner v. non-owner (Use Permit not General Plan Amendment); noticing; and neighbor not neighborhood.

Bush thought it sums up what PC discussed. Wording fits with thought process.

Pipersky suggested type 1 (Use Permit) to rent room, type 2 guest house.

Lizza thought framework works. Address other "intent" issues. "Show neighbor support" is very high burden. Lack of reasonable opposition by someone directly affected. Move year-round access, regards specific neighborhood, to Ch. 26.

Criss: Focus on neighbor support.

Lizza claimed minimizing conflicts does not need to be inadequate roads

Bush thought creating same problem – having people from wherever oppose it. Upper Clark was impediment to Lower Clark. Roads would eliminate Upper Clark. Roads OK in Lower. Avoid putting on ballot. Road issue means not happen in Upper Clark.

Pipersky asked what if Upper Clark resident approves road.

Lizza wanted to avoid sweeping generalization for all Clark Tract. Adequate access falls under minimizing conflicts.

Weiche thought if issue is snow removal, could condition Use Permit to say allowed only during certain months. Limit time of year operating, incorporate into Ch. 26.

Bush saw enough opposition in Clark to stir up whole county.

Weiche still gets calls from people upset. Violation notices are sent when on VRBO. Moratorium is in effect. Loud people are getting heard.

Roberts recalled supporters at hearings getting squelched.

Lizza suggested making changes, vetting to BOS and communities. Get input, maybe something better that would placate them **address concerns**.

Pipersky: Why not GPA where everybody can rent everywhere?

Weiche claimed it would not happen due to opposition. June Lake went through process, looked at it, but no consensus. Tackling on case-by-case basis. Acknowledge TRODs happening, VRBOs popped up.

Criss sends violation notice to owner.

Bush wanted to eliminate conflict in Ch. 25, not Ch. 26.

Simon stated Ch. 26 is ministerial, a checklist. "Adequate access" is too fuzzy.

Burns recalled at start, was to help enforcement. June Mountain was closing, shifted to economic development. Going back to enforcement, spreading, worsening. Three or four have actually caused problems, rest are OK. Limit occupancy. Illegal rentals have no control, result in conflicts.

Bush contended illegals do not care about TOT or parking. Criss confirmed bad actors. Gets inquiries regularly.

Weiche stated Criss is more proactive. People want to be in compliance, but want a process.

Pipersky asked what if relatives with six cars show up? Roberts saw people using their own second homes, bringing families/friends, making noise, bothering neighbors, leaving trash, etc.

Pipersky thought it important to be setting strict standards.

Criss stated any violation of Ch. 26 is \$1,000 fine. Somebody local has to respond. Perfect? No. Problems? Yes. . . Biggest issue is parking. Maybe limit number of cars/occupants.

Lizza saw it as "condominiumizing" these places. Pipersky thought the problem is selling the process. Lizza suggested the intent clause should explain why Mono is doing this. Path to legitimize, minimize conflicts.

Bush wanted to figure out way for people who have nothing to do with it to be out of the equation. No right to say anything, not in their area.

Roberts thought "lack of reasonable opposition." All agreed.

Criss saw biggest issue as defining "neighborhood" opposition. BOS shut down, didn't approve.

Bush contended BOS looks at votes, not reasonable vs. unreasonable. Lizza thought main reason was district idea didn't work. Weiche suggested vacation rental, remove acronym TROD. . . Remove all "district" references.

Simon noted consistency review is under way. Weiche suggested going to all RPACs.

Pipersky saw Mono allowing this; it's a trend. Weiche wanted to reword "intent."

Bush suggested keeping road idea, remove Upper Clark Tract for good. ~~He was fed up with people it doesn't apply to controlling what happens for others.~~

Lizza saw issues with "intent" clause.

Criss cited a demand for different type of lodging. June Lake and Crowley Lake have condos. Workforce housing precedent, can not rent out later.

Weiche mentioned Housing Element update. Rentals, vacant houses, transient rentals issues. Urban areas struggling with workforce housing.

Roberts noted people want to stay at their own house, rent out other times.

Lizza wanted to minimize impact to existing workforce housing. Criss couldn't figure how to factor workforce into transient rentals.

See solution to sell in "intent" clause? *Not selling it, but recognize demand; it's not going to stop. Why is Mono doing this? Minimizing conflict, lack of reasonable opposition, path to legitimacy.* Lizza suggested working out wording, taking to BOS, and then to RPACs.

Pipersky wanted to strike workforce impact. Burden is on employers, not individuals.

Weiche noted demand for a house, not a hotel; trend is happening; path to legitimacy; minimizing conflict; lack of reasonable opposition. One application might be OK, not lugging application with neighbor issues. Only four GPAs/yr, so take in groups.

Lizza wanted people to apply individually on case-by-case basis.

Weiche indicated no longer a TROD, but vacation home or short-term rental.

Simon suggested removing "district" and "overlay" wording.

Fees? Criss considered looking at application fees, at BOS level. Fines stay intact. Criss stated hard part is catching violators. Fines are adequate, but could revise in future.

Weiche: Go to BOS in June? Burns thought Commission could come back in June to verify it's right. Lizza wanted to take out multiple parcel application, district, and overlay

Simon confirmed moratorium till March 2017, another year-long extension needed.

Weiche suggested webpage in Planning with all minutes of meetings to check on progress.

**B. Sustainable Groundwater Management Act** (*continued from March 10, 2016*). Brent Calloway, former Mono analyst, now field program manager with Inyo-Mono Agriculture Commission, indicated act was passed in 2014. Next year regulations were drafted by Department of Water Resources. In 1980, 515 basins were set up and prioritized. Medium and high basins were required to draft sustainability plans. Ten basins in Mono are all low except Tri-Valley, which is medium. Specific duties were established, Tri-Valley treated as adjudicated basin. Tri-Valley presumably is agency for its portion of Owens Valley Groundwater Basin not owned by LADWP. Hundreds of pages of data were compiled March 30 by Inyo County to subdivide into two separate basins at county line. Four comments were received, one from LADWP, three negative on Fish Slough, which was taken away due to lack of groundwater. Boundary proposals throughout state total 54. Complex set of laws. Link to letters will be sent.

Lizza saw political boundary instead of physical characteristics. Calloway stated boundaries of two sub-basin are clear.

Simon noted intent of good definition of boundary to accurately understand movement of subsurface flow. Inaccurate model from 1970s. Lack of focus on Fish Slough. Environmental interests oppose, but in reality it's in their favor. Lack of trust, irony keeps bubbling to surface. Management entities are based on sub-basins. USGS studies indicate some does flow into Laws, but primary connection is into Fish Slough.

Calloway stated theory is if subdivision goes through, any effect of LADWP pumping at Laws on Fish Slough is moot. Agencies need to coordinate. Authors of letter don't realize LADWP is not behind modification.

Simon mentioned Commissioner Mitchell's conflict of interest was raised, but for personal reasons Mitchell made commitment to Tri-Valley Groundwater District.

## **7. REPORTS:**

**A. DIRECTOR:** None.

**B. COMMISSIONERS:** None.

**8. INFORMATIONAL:** No items.

**9. ADJOURN** at 1:10 p.m. to June 9, 2016

*Prepared by CD Ritter, PC secretary*